

AMENDED IN SENATE MARCH 22, 2004

SENATE BILL

No. 1663

Introduced by Senator Machado
(Principal coauthor: Assembly Member Steinberg)

February 20, 2004

An act to amend ~~Section 4730.3 of and repeal Section 4730.3 of, and to add Section 4730.35 to~~, the Health and Safety Code, relating to sanitation districts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1663, as amended, Machado. Sanitation districts: Sacramento County and West Sacramento.

~~Existing law provides that if a sanitation district in Sacramento County also includes territory in the City of West Sacramento in Yolo County, the sanitation district board of directors shall include the members of the Sacramento County Board of Supervisors, the presiding officer of the governing body of any included city, the presiding officer of the governing body of the City of West Sacramento, and the Member of the Yolo County Board of Supervisors whose district includes all or the greater portion of the population of West Sacramento. Existing law also~~

Existing law establishes the membership of a governing body of a sanitation district in the County of Sacramento as the Sacramento County Board of Supervisors, unless the district includes territory that is within a city, in which case existing law requires the membership to include the presiding officer of the governing body of each city so included.

This bill would, instead, require inclusion of a member of the governing body of the city, appointed by that governing body.

This bill would, notwithstanding those provisions, require the governing body of the Sacramento Regional Sanitation District to include from one to 8 members, depending upon population, of the governing bodies of included cities.

Existing law, in effect only until January 1, 2005, or until construction of a pipeline facility in the unincorporated portion of Yolo County is completed, whichever is later, requires that if the district includes territory in the City of West Sacramento, the governing body shall also include the member of the Yolo County Board of Supervisors whose supervisorial district includes all, or a greater portion of, the population of the City of West Sacramento.

This bill would delete these provisions and would enact similar provisions applicable only to the Sacramento Regional Sanitation District. The bill would delete the repeal provisions related to January 1, 2005, and the construction of the pipeline facility.

Existing law provides that if the members of the governing body of the sanitation district constitute an even number under these circumstances, the chairperson of the Sacramento County Board of Supervisors shall have an additional vote.

This bill instead would provide that the chairperson of the board of directors of the sanitation district shall have the additional vote if the vote is tied.

This bill would make certain findings and declarations regarding the inapplicability of a general statute within the meaning of Section 16 of Article IV of the California Constitution.

To the extent that this bill would require local governing bodies to comply, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: ~~no~~ yes.



The people of the State of California do enact as follows:

SECTION 1. Section 4730.3 of the Health and Safety Code, as amended by Section 2 of Chapter 390 of the Statutes of 2001, is amended to read:

4730.3. (a) Notwithstanding Sections 4730, 4730.2, and 4832.5 or any other provision of law, the governing board of a sanitation district in the County of Sacramento shall be constituted in accordance with this section.

(b) The governing body of a sanitation district in the County of Sacramento shall be a board of directors composed of an odd number of not less than five members. If the district includes no territory that is within a city, the Sacramento County Board of Supervisors shall be the board of directors of the sanitation district.

(c) If the sanitation district includes territory that is within a city, the board of directors of the sanitation district shall be composed of the Sacramento County Board of Supervisors and the presiding officer of the governing body of each of those cities. ~~If the sanitation district also includes territory in the City of West Sacramento in Yolo County, the sanitation district board of directors shall also include the presiding officer of the governing body of the City of West Sacramento and the Member of the Yolo County Board of Supervisors whose supervisorial district includes all, or the greater portion, of the population of the City of West Sacramento. If those members of the governing body of the composed of the Sacramento County Board of Supervisors and a member of the governing body of each included city, appointed by the city's governing body. If the members of the governing body of the sanitation district constitute an even number and the vote is tied, the chairperson of the board of directors of the sanitation district shall have an additional vote.~~

~~(d) The governing body of each city that has a representative on the board of directors of the sanitation district may designate one of its members to act in the place of its presiding officer in the absence, inability to act, or refusal to act, of its presiding officer. The governing body of any of those cities may designate a member of the county board of supervisors to serve as its representative member on the board of directors of the sanitation district in the place of the presiding officer of its governing body, in which case, that supervisor shall have one vote for each city represented by that~~

1 supervisor. The Yolo County Board of Supervisors may designate
2 one of its members to act in the absence, inability to act, or refusal
3 to act, of the Member of the Yolo County Board of Supervisors
4 whose supervisorial district includes all, or the greater portion of,
5 the population of the City of West Sacramento.

6 (e) (1) The representative from the Yolo County Board of
7 Supervisors shall be entitled to vote on all sanitation district
8 matters that come before the sanitation district board of directors,
9 with the exception of the following:

10 (A) Any and all matters directly related to the setting of
11 sanitation district fees, rates, and charges for district ratepayers.

12 (B) Any and all matters directly related to the determination of
13 the composition of the sanitation district board of directors and the
14 district's organizational structure.

15 (2) Except for a lack of an entitlement to vote on the matters
16 specified in paragraph (1), the representative from the Yolo
17 County Board of Supervisors shall otherwise be entitled to fully
18 participate in the sanitation district board's consideration of these
19 matters as a member of the sanitation district board.

20 (f) This section shall remain in effect only until January 1,
21 2005, or until the date the board of directors of the sanitation
22 district notifies the Legislature that construction of a pipeline
23 facility in the unincorporated portion of Yolo County is completed,
24 whichever is later, and as of that date is repealed, unless a later
25 enacted statute, that is enacted before that date deletes or extends
26 that date.

27 SEC. 2. Section 4730.3 of the Health and Safety Code, as
28 amended by Section 3 of Chapter 390 of the Statutes of 2001, is
29 amended to read:

30 4730.3. (a) Notwithstanding Sections 4730, 4730.2, and
31 4832.5 or any other provision of law, the governing board of a
32 sanitation district in the County of Sacramento shall be constituted
33 in accordance with this section.

34 (b) The governing body of a sanitation district in the County of
35 Sacramento shall be a board of directors composed of an odd
36 number of not less than five members. If the district includes no
37 territory that is within a city, the Sacramento County Board of
38 Supervisors shall be the board of directors of the sanitation district.

39 (c) If the sanitation district includes territory that is within a
40 city, the board of directors of the sanitation district shall be

~~composed of the Sacramento County Board of Supervisors and the presiding officer of the governing body of each of those cities. If the sanitation district also includes territory in the City of West Sacramento in Yolo County, the sanitation district board of directors shall also include the presiding officer of the governing body of the City of West Sacramento. If those members of the governing body of the sanitation district constitute an even number, the chairperson of the board of directors of the sanitation district shall have an additional vote.~~

~~(d) The governing body of each city that has a representative on the board of directors of the sanitation district may designate one of its members to act in the place of its presiding officer in the absence, inability to act, or refusal to act, of its presiding officer. The governing body of any of those cities may designate a member of the county board of supervisors to serve as its representative member on the board of directors of the sanitation district in the place of the presiding officer of its governing body, in which case, that supervisor shall have one vote for each city represented by that supervisor.~~

~~(e) This section shall become operative on January 1, 2005, or on the date the board of directors of the sanitation district notifies the Legislature that construction of a pipeline facility in the unincorporated portion of Yolo County is completed, whichever is later.~~

SEC. 2. Section 4730.3 of the Health and Safety Code, as added by Section 3 of Chapter 390 of the Statutes of 2001, is repealed.

~~4730.3. (a) Notwithstanding Sections 4730, 4730.2, and 4832.5 or any other provision of law, the governing board of a sanitation district in the County of Sacramento shall be constituted in accordance with this section.~~

~~(b) The governing body of a sanitation district in the County of Sacramento shall be a board of directors composed of an odd number of not less than five members. If the district includes no territory that is within a city, the Sacramento County Board of Supervisors shall be the board of directors of the sanitation district.~~

~~(c) If the sanitation district includes territory that is within a city, the board of directors of the sanitation district shall be composed of the Sacramento County Board of Supervisors and the presiding officer of the governing body of each of those cities. If~~

~~the sanitation district also includes territory in the City of West Sacramento in Yolo County, the sanitation district board of directors shall also include the presiding officer of the governing body of the City of West Sacramento. If those members of the governing body of the sanitation district constitute an even number, the Chairperson of the Sacramento County Board of Supervisors shall have an additional vote on the board of directors of the sanitation district.~~

~~(d) The governing body of each city that has a representative on the board of directors of the sanitation district may designate one of its members to act in the place of its presiding officer in the absence, inability to act, or refusal to act, of its presiding officer. The governing body of any of those cities may designate a member of the county board of supervisors to serve as its representative member on the board of directors of the sanitation district in the place of the presiding officer of its governing body, in which case, that supervisor shall have one vote for each city represented by that supervisor.~~

~~(e) This section shall become operative on January 1, 2005, or on the date the board of directors of the sanitation district notifies the Legislature that construction of a pipeline facility in the unincorporated portion of Yolo County is completed, whichever is later.~~

SEC. 3. Section 4730.35 is added to the Health and Safety Code, to read:

4730.35. (a) Notwithstanding Sections 4730, 4730.2, 4730.3, and 4832.5, or any other provision of law, the governing body of the Sacramento Regional County Sanitation District in the County of Sacramento shall be a board of directors composed of the Sacramento County Board of Supervisors and a member or members of the governing body of each of the cities served by the Sacramento Regional County Sanitation District, appointed by their respective governing body based upon population, as follows:

<i>City Population</i>	<i>Number of Board Members</i>
<i>0 to 150,000</i>	<i>1</i>
<i>150,001 to 250,000</i>	<i>2</i>
<i>250,001 to 350,000</i>	<i>3</i>

1	350,001 to 450,000	4
2	450,001 to 550,000	5
3	550,001 to 650,000	6
4	650,001 to 750,000	7
5	750,001 and above	8

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7 **(b)** *For the purpose of determining the population of a city, the*
8 *district board shall consider the last official United States Census*
9 *or the latest population estimate by the Department of Finance,*
10 *whichever is more recent for a particular area.*

11 **(c)** *If the Sacramento Regional Sanitation District includes*
12 *territory in the City of West Sacramento in Yolo County, the*
13 *governing body of the sanitation district shall, in addition to the*
14 *member or members set forth in subdivision (a) of this section and*
15 *in lieu of the member set forth in subdivision (b) of Section 4730.3,*
16 *include a member of the governing body of the City of West*
17 *Sacramento appointed by the governing body of the City of West*
18 *Sacramento, and the member of the Yolo County Board of*
19 *Supervisors whose supervisorial district includes all, or the*
20 *greater portion of, the population of the City of West Sacramento.*
21 *If the members of the governing body of the Sacramento Regional*
22 *Sanitation District constitute an even number and the vote is tied,*
23 *then the chairperson of the board of directors of the Sacramento*
24 *Regional Sanitation District shall have an additional vote.*

25 **SEC. 4.** *Due to the unique circumstances concerning the*
26 *sanitation facilities in the County of Sacramento, the County of*
27 *Yolo, and adjacent areas, it is necessary that provision be made for*
28 *representation of affected areas, and the Legislature finds and*
29 *declares that a general statute cannot be made applicable within*
30 *the meaning of Section 16 of Article IV of the California*
31 *Constitution.*

32 **SEC. 5.** *Notwithstanding Section 17610 of the Government*
33 *Code, if the Commission on State Mandates determines that this*
34 *act contains costs mandated by the state, reimbursement to local*
35 *agencies and school districts for those costs shall be made*
36 *pursuant to Part 7 (commencing with Section 17500) of Division*
37 *4 of Title 2 of the Government Code. If the statewide cost of the*
38 *claim for reimbursement does not exceed one million dollars*



1 *(\$1,000,000), reimbursement shall be made from the State*
2 *Mandates Claims Fund.*

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